

SMITH HOPEN

INTELLECTUAL PROPERTY LAW

Tampa Bay Office • 180 Pine Avenue North • Oldsmar, Florida 34677
Tel: 813-925-8505 • Fax: 813-925-8525 • www.smithhopen.com

RECEIVED
CENTRAL FAX CENTER

SEP 27 2006

Fax

INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Trademark Office	From:	Thomas E. Toner
Attn:	Tracy Ann Vivemore	Client:	1372.138.PRC
Fax:	(571) 273-8300	Pages:	4 including coversheet
Phone:	(571) 272-2914	Date:	September 27, 2006
Re:	USPN 10/711,101	CC:	University of South Florida (Assignee)

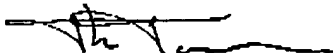
☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Vivemore:

In response to the non-final office action mailed August 28, 2006, we enclose the following:

1. Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated September 27, 2006 (1 page); and
2. Response to Election/Restriction Requirement (2 pages).

Very Respectfully,



Thomas E. Toner
Reg. No. 57,422

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

~~SEP 27 2006~~

Practitioner's Docket No. 1372.183.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: George Blanck et al.

Serial No.:10/711,101

Filed: 08/23/2004

For: **OCT-1 as an Oncoprotein**

Art Unit: 1635
Examiner: Tracy Ann Vivlemore
Confirmation: 5100

Faxed to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

STATUS

- 2. Applicant is an independent inventor.**

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

—

SIGNATURE OF PRACTITIONER

Thomas E. Toner
Smith & Hopen, P.A.
180 Pine Avenue North
Oldsmar, Florida
(813) 925-8505

Reg. No.: 57,422
Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Vivimore, (571) 273-8300 on September 27, 2006.

Dated: September 27, 2006

April Turley

(Amendment Transmittal—page 1)

SEP 27 2006

Practitioner's Docket No.: 1372.183.PRC

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **George Blanck et al.**

Serial No.: 10/711,101

Filed: 08/23/2004

For: **OCT-1 as an Oncoprotein**

✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓

Art Unit: 1635
Examiner: Tracy Ann Vivlemore
Confirmation: 5100

Faxed to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed August 28, 2006, having a shortened statutory period for response set to expire September 28, 2006 as follows:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute invention II, Claims 9 and 11-13, drawn to a method for treating a tumor in a subject by administering an Oct-1 inhibitor that inhibits Oct-1 mRNA function, classifiable in class 514, subclass 44.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested.

Very respectfully,
SMITH & HOPEN

Dated: September 27, 2006

pc: University of South Florida (Assignee)

By: Thomas E. Toner
Thomas E. Toner
Reg. No. 57,422
180 Pine Avenue North
Oldsmar, Florida 34677
(813) 925-8505
Attorneys for Applicant

RECEIVED
CENTRAL FAX CENTER

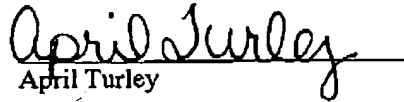
SEP 27 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1635, Attn: Tracy Ann Vivlemore, (571) 273-8300 on September 27, 2006.

Dated: September 27, 2006


April Turley